

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHARLES DEANDRA' SIMS, #1244891 §

VS. § CIVIL ACTION NO. 6:05cv389

WARDEN R. HERRERA, ET AL. §

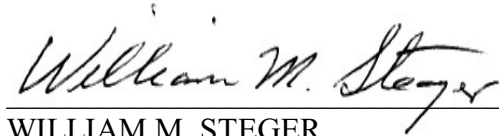
ORDER OF DISMISSAL

Plaintiff Charles Deandra' Sims, a prisoner previously confined in the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the case should be dismissed without prejudice for failure to obey an order and failure to prosecute because the Plaintiff had not paid the initial partial filing fee of \$3.88. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. It is noted that the Plaintiff still has not paid the initial partial filing fee. He did not offer any explanation for such failure in his objections. He failed to obey an order and failed to prosecute this case. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** without prejudice for failure to obey an order of the Court and for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby denied.

SIGNED this 9th day of January, 2006.

A handwritten signature in cursive script, reading "William M. Steger", written in black ink. The signature is positioned above a horizontal line.

WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE